

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL ROBERT MODDISON,

Defendant.

CR-20-27-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 13, 2025. (Doc. 55.) Defendant, Russell Moddison (Moddison) filed an objection on February 21, 2025. (Doc. 56.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on February 12, 2025. (Doc. 53.) The United States accused Moddison of violating his conditions of supervised release by: (1) operating a motor vehicle without the permission of his probation officer on December 6, 2024; (2) using methamphetamine during the week of December 26, 2024; (3) consuming alcohol during the week of

December 26, 2024; and (4) failing to report to his probation officer as instructed on December 26, 2024. Doc. 41.)

Judge Johnston conducted a revocation hearing on February 12, 2025. (Doc. 53.) At the revocation hearing, Moddison admitted to having violated the conditions of his supervised release by: (1) operating a motor vehicle without the permission of his probation officer on December 6, 2024; (2) using methamphetamine during the week of December 26, 2024; (3) consuming alcohol during the week of December 26, 2024; and (4) failing to report to his probation officer as instructed on December 26, 2024 (Doc. 53.) Judge Johnston found the violations Moddison admitted are serious and warrants revocation of Moddison's supervised release.

Judge Johnston recommended Moddison be incarcerated for 4 months, with 44 months of supervised release to follow with the first 180 days of supervised release, Moddison should be subject to home confinement. (Doc. 55.) Moddison was advised of his right to appeal and allocute before the undersigned and

Moddison now opposes Judge Johnston's Findings and Recommendations, objecting to Judge Johnston's recommended sentence. (Doc. 56.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Jacobson's objection. The undersigned conducted a revocation hearing on February 25, 2025. (Doc. 58.) Jacobson and his attorney were allowed to allocute before the undersigned and withdrew the objection to Judge Johnston's Findings and Recommendations. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations.

Moddison's violations of his conditions of supervised release represent a serious breach of the Court's trust. This violations prove serious. Judge Johnston has recommended that the Court revoke Moddison's supervised release and commit him to the custody of the Bureau of Prisons for 4 months. (Doc. 55.) Judge Johnston further recommended 44 months of supervised release to follow, with the first 180 days of supervised release, spent in home confinement. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Moddison's objection is denied as MOOT. Judge Johnston's Findings and Recommendations, (Doc. 55) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant RUSSELL ROBERT MODDISON be sentenced to the custody of the Bureau of Prisons for 4 months,

with 44 months of supervised release to follow. During the first 180 days of supervised release, Moddison shall be subject to home confinement.

DATED this 25th day of February 2025.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court